

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH A. FERRARA, SR., FRANK H. FINKEL,
MARC HERBST, THOMAS N. PIALI, DENISE,
RICHARDSON, ANTHONY D'AQUILA, THOMAS
GESUALDI, LOUIS BISIGNANO, DOMINICK
MARROCCO, and ANTHONY PIROZZI, as Trustees
and Fiduciaries of the Local 282 Welfare Trust Fund,
the Local 282 Pension Trust Fund, the Local 282 Annuity
Trust Fund, the Local 282 Job Training Trust Fund, and
the Local 282 Vacation and Sick Leave Trust Fund,

ORDER
CV 09-3652 (ADS)
(WDW)

Plaintiffs,

- against -

C.F.I. ASSOCIATES, INC., d/b/a CIPRIANO
TRUCKING,

Defendant.

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APPEARANCES:

Cohen, Weiss and Simon, LLP

Attorneys for the plaintiffs

330 West 42nd Street

New York, NY 10036

By: Elizabeth O'Leary, Esq.
 Michael Seth Adler, Esq., of Counsel

Cary Kane LLP

Attorneys for the plaintiffs

1350 Broadway

Ste 815

New York, NY 10018

By: Oriana Vigliotti, Esq., of Counsel

NO APPEARANCE

C.F.I Associates, Inc.

SPATT, District Judge.

The plaintiffs commenced this action on or about August 21, 2009, asserting claims for damages and injunctive relief pursuant to Employee Retirement Income Security Act of 1974 (“ERISA”) as amended, 29 U.S.C. 1001 *et seq.* On September 10, 2010, the Court entered a default judgment against the defendant C.F.I Associates, Inc. (“CFI”), and referred the matter to United States Magistrate Judge William D. Wall for an inquest as to damages. On December 7, 2010, Judge Wall issued a thorough Report recommending that the plaintiff be awarded damages in the amount of: (1) unpaid contributions in the amount of \$1,212,718.50 for the period covering April 17, 2008 through June 30, 2009; (2) \$310,474.86 in interest on the contributions through May 13, 2010 and additional interest accruing from May 14, 2010 through the date of payment at a daily rate of \$598.16; (3) liquidated damages of \$310,474.86; (4) attorneys fees in the amount of \$5,285.70; and (5) costs in the amount of \$439.25. To date, no objection has been filed to Judge Wall’s Report and Recommendation.

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The

Court has reviewed Judge Wall's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Wall's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Wall's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against CFI in the amount of \$1,833,668.22 in damages, plus \$598.16 in interest for each day after May 14, 2010 until judgment is entered, plus \$5,724.95 in attorneys' fees and costs; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
January 11, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge